



GEORGE F. CARPINELLO  
Tel: (518) 434-0600  
E-mail: gcarpinello@bsfllp.com

October 17, 2018

**BY ECF**

The Honorable Nina Gershon  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

**Re: *United States of America ex rel. Omni Healthcare Inc., v. McKesson Corporation, et al.*, No. 12-CV-06440 (NG) (LB)**

Dear Judge Gershon:

Relator Omni Healthcare, Inc. respectfully requests permission to file a sur-reply of no more than three pages in length, to respond to an argument raised for the first time in Defendants' reply brief, which, in accordance with Your Honor's Individual Rule 3.C., was filed on October 15, 2018 along with the remainder of the motion papers.

Because the entirety of the reply brief has been filed under seal, in lieu of describing the newly raised arguments, the Relator directs Your Honor to the fourth page of Defendants' reply brief, (ECF No. 55-9), discussing the recent unsealing of *United States ex rel. Mullen v. AmerisourceBergen Corp.*, No. 10-4856 (E.D.N.Y.), as well as Exhibit A to the Reply Declaration in Support of Defendants' Motion, (ECF No. 55-11). Neither the case nor the arguments concerning it were raised in Defendants' moving papers.

To the extent that this Court grants the Relator's request, the Relator respectfully requests one week from the date of any such Order to file its sur-reply.

Respectfully submitted,

/s/ George F. Carpinello  
George F. Carpinello

*Attorney for Relator*

cc: Magistrate Judge Bloom; all counsel of record (via ECF)